

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joseph E. Zahner on 6/2/2009.

The application has been amended as follows:

**Claim 1** is rewritten as follows:

**“A method for confirming a diagnosis of renal cell carcinoma (RCC) in a human, the method comprising the steps of:**

- a) providing at least one peripheral blood sample of a human;**
- b) generating an expression profile comprising expression levels of two RCC disease genes in said at least one peripheral blood sample of the human;**
- c) comparing the expression profile generated in step b) to at least one reference expression profile comprising expression levels of said two RCC disease genes wherein the reference expression profile is obtained from peripheral blood samples from patients having RCC or peripheral blood samples from disease-free humans, wherein said comparison is used to indicate the presence or absence of RCC in the human; and**

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**wherein (i) the human has a prior diagnosis of RCC and (ii) said two RCC disease genes are eukaryotic elongation factor 1 alpha 2 (EEF1A2, SEQ ID NO:285) and toll-like receptor 2 (TLR2, SEQ ID NO:1)."**

**Claim 6** is rewritten as follows:

**"The method according to claim 1, wherein said at least one reference expression profile comprises a reference expression profile comprising expression levels of said two RCC disease genes in peripheral blood samples of disease-free humans."**

**Claim 7** is rewritten as follows:

**"The method according to claim 6, wherein said at least one reference expression profile further comprises a reference expression profile comprising expression levels of said two RCC disease genes in peripheral blood samples of patients having RCC."**

In addition, **Claims 22-30** are cancelled.

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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### **Contacting Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue Liu whose telephone number is 571-272-5539. The examiner can normally be reached on M-F 9am-3pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low can be reached at 571-272-0951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Sue Liu/  
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6/2/09